

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**DAVIS T. MONTFORT,**

Plaintiff,

v.

**SOUTHERN METHODIST UNIVERSITY,**

Defendant.

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Civil Action No. **3:08-CV-1412-L**

**ORDER**

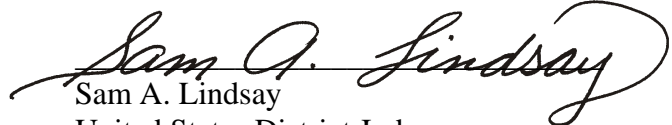
Before the court is Montfort's Suit of Improper Weight Program, filed August 13, 2008. Pursuant to Special Order 3-251, the complaint was referred to United States Magistrate Judge Wm. F. Sanderson, Jr., on August 13, 2008. On September 24, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. No objections to the Report have been filed.

The magistrate judge found that the complaint was not in compliance with Fed. R. Civ. P. 8(a), that the nature of the claims was practically impossible to understand, and that Montfort had neither paid the requisite filing fee nor filed an application to proceed *in forma pauperis*. On August 14, 2008, he ordered Montfort to cure these deficiencies within thirty days and warned that failure to comply would result in the dismissal of the complaint for failure to prosecute. To date, Montfort has failed to cure the deficiencies.

Having reviewed the complaint, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are

therefore **accepted** as those of the court. This case is therefore **dismissed without prejudice** for want of prosecution and failure to comply with a court order pursuant to Fed. R. Civ. P. 41(b).

**It is so ordered** this 14th day of October, 2008.

  
Sam A. Lindsay  
United States District Judge